

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	
	)	Case No. 1:09-CR-128
v.	)	
	)	Chief Judge Curtis L. Collier
ERICK D. LLOYD	)	
	)	

**ORDER**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) grant Defendant's motion to withdraw his not guilty plea to Count One of the one-count Indictment (2) accept Defendant's plea of guilty to Count One of the Indictment, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); (3) adjudicate Defendant guilty of the charges set forth in Count One of the Indictment, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); and (4) find Defendant shall remain in custody until sentencing in this matter (Court File No. 15). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Court File No. 15) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One of the Indictment, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B) is **GRANTED**;
- (2) Defendant's plea of guilty to Count One of the Indictment, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B) is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the Indictment, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B);
- (4) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on Thursday, January 21, 2010 at 9:00 a.m. before the Honorable Curtis L. Collier.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**